

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ANGEL DURAN
PRISONER

V.

THE UNITED STATES
PROSECUTION

CASE NO.: 20-CR-20106

Judge: R. Scola

BOP#: 26273-104

FILED BY Me D.C.

OCT 21 2022

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

MOTION FOR WRIT OF FEDERAL HABEAS Corpus

Comes Now, ANGEL DURAN, PRISONER, in propria persona, pursuant to FED. R. Crim. P. 28 U.S.C.S. § 2255 And Due process clause And Moves this Honorable Court to Consider the Circumstances of this Motion.

JURISDICTION

PRISONER States this Honorable Court has Jurisdiction to rule And Correct Ineffective Assistance of Counsel Violation [See : Strickland v. Washington, 466 U.S. 668] And Eight Amendment to the U.S. Constitution Challenging Deliberate Indifference Claim And

→

Inadequate medical / mental health assistance.
[See : Smith v. Sheeley, 2009 U.S. Dist. Lexis 131473]

STATEMENT OF FACT

This Honorable Court Sentenced prisoner to 130 Months with the stipulation that prisoner complete the // Resolve program // And // RDAP // This is to be ran Concurrent with State Case No. : 2019CF4095. On December 2, 2021 prisoner was transferred into the custody of the Leon County Sheriff via U.S. Marshalls. On 4-12-22 prisoner was sentenced to 3 years on Case No. 2019CF4095 and 5 years on Case No. : 2020CF1675 to be ran Concurrent with Federal Case No. : 20-CR-20106 with the stipulation that both State Cases are to be served in Federal Custody. [See Exhibit " A "] prisoner remains in State Custody awaiting disposition of Federal Detainer.

POINTS OF ARGUMENTS

First Point —

prior to being sentenced on Federal Case No. :

20-CR-20106, prisoners' Attorney Helwine Batoff Assured prisoner that he was going to serve out his sentence in Federal Custody [i.e. United States Penitentiary - Coleman I] where he will complete the "RDAP" and the "Resolve Program" where prisoner was given the impression that this Honorable Court understood the necessity of these programs. Prisoner is of the mind that he would not have entered a Guilty Plea had he known he was not going to benefit from these programs. Prisoners' Attorneys' deficient performance caused prejudice Denying Due Process.

Second point —

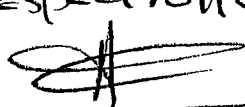
Prisoner Argues Deliberate Indifference And Violation Of Eight Amendment to U.S. Constitution by Medical Staff On the State level. Prisoner States the inadequacy of the Mental Health Department has Aggravated his Diagnosis. Prisoner is Diagnosed with Schizo-affective Disorder, PTSD, Bi-polar Depression, And

Anxiety Disorder. In the last three months prisoner has been on four different cycles of Medications. prisoner feels the Mental Health Department is experimenting with his Medications.

[... Schizo-affective disorder requires specialized treatment involving medications and structured environments ...]
(Green v. State, 257 So. 3d 474).

RELIEF Sought

prisoner seeks relief in the form of a Evidentiary Hearing where prisoner is present. where these points of Arguments are considered and reversed. where the prisoner can either be transferred back into the custody of B.O.P. where he will participate in the "Resolve program" // As it was a condition of his sentence or granted a new trial.

Respectfully Submitted
X 

Angel Duran
Leon County Detention Facility
P.O. Box 2278
Tallahassee FL 32316

IN THE CIRCUIT COURT OF THE SECOND
JUDICIAL CIRCUIT, IN AND FOR LEON
COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO.: 2019CF 4095

vs.

SPN 262245

Angel Doran

PLEA AND ACKNOWLEDGMENT OF RIGHTS

I hereby enter a plea of (X) no contest () guilty in the following criminal offense(s), withdrawing any previous plea of not guilty.

Count 1 Offense Poss. FA by Convicted Felon Max/Min Penalty F2 -15yrs
Count 2 Offense Grand Theft Motor Vehicle Max/Min Penalty F3 -5yrs
Count 3 Offense Grand Theft FA Max/Min Penalty F3 -5yrs
Count _____ Offense _____ Max/Min Penalty _____
Count _____ Offense _____ Max/Min Penalty _____

My plea is entered with the understanding that the State has agreed or does not object to the following disposition of my case:

Jail Credit 867 days

AG - 3yr min man

Concurrent to Federal case 20-CR-20106 and 2020CF1675

TO serve time in Federal Custody

Defendant must provide a DNA Sample as authorized or required by Statute for all felonies defined by chapters 782, 784, 794, 800, 810, 812, 787 & 790.

Court Costs \$ 1522.50 P.D. Fee \$ 50 P.D. LAF \$ 100 COP \$ 100
Fla. Statute 27.52(1)(b) Fla. Statute 938.29(1) Fla. Statute 938.27(8)

My plea is entered with the acknowledgment and understanding of the following:

1) I understand that the judge will place me under oath to question me about this plea. I must answer the judge's questions truthfully, and if I make a false statement while under oath I could be prosecuted for perjury.

2) I understand that a plea of not guilty denies my guilt, a plea of guilty admits my guilt, and a plea of no contest means that I will not contest the evidence against me. I also understand that if the judge accepts this plea of guilty or no contest, there will be no trial and I will be sentenced based on my plea.

3) I understand the nature of the charges to which I am pleading, and I am aware of the maximum and minimum penalties. My lawyer has informed me of the facts the State would have to prove before I could be found guilty and discussed with me any possible defenses that could be raised in my case. I am satisfied with my lawyer's advice and help.

4) I understand that if the judge accepts this plea, I give up the right to a trial, the right to require the State to prove the charge(s) against me beyond a reasonable doubt, the right to have a jury decide whether I am guilty or not guilty, the right to see and hear the witnesses against me and to have my lawyer question them, the right to subpoena and present witnesses or other evidence or any defenses I may have, and to testify or remain silent as I choose.

Filed in open court _____

(Sign on Reverse Side After Reading Both Sides Carefully)

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL
CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

STATE OF FLORIDA

V

CASE NUMBER: 2020 CF 1675 A

FELONY

ANGEL DURAN☐ Probation☐ Community Control Violator☐ Retrial☐ ResentenceJUDGMENT

The Defendant, ANGEL DURAN, being personally before this court represented by LOLIA FERNANDEZ, attorney of record, and the State represented by MARINA MCCARTHY and having

- ☐ been tried and found guilty by jury/by court of the following crime(s)
☒ entered a plea of nolo contendere to the following crime(s)
☐ entered a plea of guilty to the following crime(s)
☐ admitted a violation of probation to the following crime(s)

Count	Charge	Statute	Lev/Deg	Disposition	Date
1	AGGRAVATED ASSAULT WITH FIREARM	784.021 1A	F3	ADJ GUILTY	4/12/2022

If you are a "Qualified Offender" under F.S 943.325, you are required to submit a DNA sample in the manner consistent with Florida Law.

SENTENCE

The Defendant, ANGEL DURAN, being personally before this court represented by LOLIA FERNANDEZ, attorney of record, and the State represented by MARINA MCCARTHY and having given the defendant an opportunity to be heard and to offer matters, in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and not case being shown:

5 YEARS DOC WITH 632 DAYS CREDIT (STIPULATED); RUN CONCURRENT WITH LEON COUNTY CASE 2019CF4095A, AND FEDERAL CASE 20-CR-20106; THE DEFENDANT IS ADJUDICATED A PRISON RELEASEE REOFFENDER AND HAS BEEN SENTENCED TO SERVE 100 PERCENT OF THE COURT-IMPOSED SENTENCE IN ACCORDANCE WITH SECTION 775.082(8)(B); THE DEFENDANT TO SERVE SENTENCE IN FEDERAL PRISON.

In the event the above sentence is to the Department of Corrections, the Sheriff of Leon County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing if indigency.

CERTIFICATE OF SERVICE

I hereby, swear under penalty of perjury that this pleading And true copies thereof have been placed in prison officials hands by ME, by First Class U.S. postage prepaid by prison for Immediate mailing to :

United States District Court
Southern District of Florida
400 N. MIAMI AVE 8th Floor
MIAMI, FL. 33128

Office of the Attorney General
444 Brickell Ave. STE. 650
MIAMI, FL. 33131

On this 9 day of October 2022



Angel Duran #262245
Leon County Detention Facility
PO Box 2278
Tallahassee, FL. 32316

Angel Duran #262245
LEON COUNTY DETENTION FACILITY

P.O. Box 2278
TALLAHASSEE, FLORIDA 32316-2278

LEGAL
MAIL

United States District Court
Southern District of Florida
Clerk of Courts
400 N. Miami Ave.
Miami, FL 33128
8th Floor

